

Norman H. Bangerter, Governor Dee C. Hansen, Executive Director Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

September 19, 1985

CERTIFIED RETURN RECEIPT REQUESTED P 592 431 839

Mr. Charles Gent Genwal Coal Company P. O. Box 1201 Huntington, UTah 84527

Dear Mr. Gent:

RE: Proposed Assessment for State Violation No.'s N 85-4-9-1, N85-4-6-1, N85-4-7-2, N85-4-12-3, ACT/015/032, Folder #8, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violations. These violations were issued by Division Inspector Dave Lof, N85-4-9-1, on March 20, 1985; N85-4-6-1 on March 6, 1985; N85-4-7-2 on March 19, 1985; and N85-4-12-3 on April 11, 1985. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information, which was submitted by you or your agent within 15 days of receipt of this notice of violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Ms. Jan Brown, at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will be considered for the final assessment which were not available on the date of the proposed assessment, due to the length of the abatement period. This assessment does not constitute a request for payment.

Mary Amn Wright

Assess/me/ht Office

re

Enclosure

cc: D. Griffin, OSM Albuquerque Field Office 73140

an equal opportunity employer

SUMMARY OF PROPOSED ASSESSMENT OF PENALTIES UTAH DIVISION OF OIL, GAS AND MINING 355 West North Temple 3 Triad Center Suite 350 Salt Lake City, Utah 84180-1203 801-538-5340

COMPANY/MINE _	Genwal/Crandal	1 Canyon Mine	e PERMIT # ACT/015/032	2
<u>VIOLATION</u>		POINTS	<u>AMOUNT</u>	
N85-4-9-1		65	\$ 1,780	
N85-4-6-1		46	* 840	
N85 4-7-2 #]		51	1,040	
N85-4-7-2 #2		62	1,540	
N85-4-12-3	1	56	<u>1,220</u>	
N85-4-12-3	<u>12</u>	37	540	
N85-4-12-3	<u>13</u>	80	4,489	
TOTAL ASSESSE	D FINE	<u>397</u>	<u>\$11,440</u>	

0056-23

COMP	ANY/MINE GO	enwal Coal/Cr	andall	Canyon	NOV # N	85-4-9-1	
PERM	IT # ACT/	015/032		VIOL	ATION	1 OF1	<u> </u>
	Are there which fall	MAX 25 PTS previous vio within 1 ye 9-13-85	ar of t	oday's dat	:e?	-	ted,
	1-1 -1 -2 -1	l point for 5 points for	$ \begin{array}{c} 1 \\ 1 \\ \hline 2 \\ \hline 1 \\ \hline 1 \\ each per each $	N84-2-16-1 C84-2-1-1 N84-2-19-1 N84-2-21-1 C84-2-2-1 ast violat	tion, up t	3-18-85 3-18-85 3-18-85 3-18-85 3-18-85	1 5 1 1 5
II. SERI	LOUSNESS	No pending (either A or			counted TAL HISTOR	Y POINTS	20
Officer Beginnir up or do document	will deterning at the moown, utilizes.	the facts sumine within wid-point of ting the inspend	hich ca he cate ctor's	tegory the gory, the and operat	e violatio AO will a tor's stat	n falls. djust the po ements as go	oints
Α	Event Viol	ations MA)	45 PTS	<u>.</u>			
1.	prevent?	the event whi Water Po	ollution	1	·		
2.	What is t violated	he probabilit standard was	y of the designe	ne occurre ed to prev	nce of the ent?	e event whic	h a
	None Insi Unli Like	gnificant kely		RANGE 0 1-4 5-9 10-14 15-20	MID-POIN 2 7 12 17	ΙT	
		ASS	SIGN PRO	DBABILITY	OF OCCURRE	NCE POINTS	15
PROVIDE	AN EXPLANA	TION OF POIN	ΓS <u>Pe</u>	: inspecto	r's statem	ent, 5500 m	g/l TSS

runoff left the disturbed area and entered Crandall Creek directly. Runoff apparently occurred for the better part of a day at a flow rate of 5 gpm

from two breach points in a berm.

occurred.

The event listed is considered to have

3.	Would or did the damage of	or impact remai	n within the
	exploration or permit are	ea? No RANGE	MID-POINT
	Within Exp/Permit Area	0-7*	MID-FOINT 4
	Outside Exp/Permit Area	8 - 25*	16
	*In assigning points, cor	nsider the dura	tion and extent of
	said damage or impact, ir	terms of area	and impact on the
	public or environment.	ASSTEN DAM	AGE POINTS 12
		HOOTEN DAM	AGE 1 01111312
PROVIDE AN EX	PLANATION OF POINTS Flow	of 5500 mg/l T	SS at a combined 10
	proximately one day. Rund	off directly en	tered Crandall Creek,
a fishery.		·	
B. Hindrance	Violations MAX 25 PTS		
1.	Is this a potential or ac	ctual hindrance	to enforcement?
		RANGE	MID-POINT
		Tuttvac	, 25 1 62111
	Potential hindrance		7
0	Actual hindrance	13-25	19
violation.	based on the extent to wh		t is hindered by the DRANCE POINTS
	PLANATION OF POINTS		
<u></u>			
	TOTAL SERIO	DUSNESS POINTS	(A or B) <u>27</u>
III. <u>N</u> EGL	TOTAL SERIO	DUSNESS POINTS	(A or B) <u>27</u>
	IGENCE MAX 30 PTS		
A. Was	IGENCE MAX 30 PTS this an inadvertent violat	tion which was	unavoidable by the
A. Was exer OR W	IGENCE MAX 30 PTS this an inadvertent violations of reasonable care? as this a failure of a per	tion which was IF SO — NO NEG cmittee to prev	unavoidable by the LIGENCE; ent the occurrence of
A. Was exer OR W a vi	IGENCE MAX 30 PTS this an inadvertent violations of reasonable care? as this a failure of a perolation due to indifference	tion which was IF SO - NO NEG cmittee to prev ce, lack of dil	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of
A. Was exer OR Was a vi	TGENCE MAX 30 PTS this an inadvertent violations of reasonable care? as this a failure of a perolation due to indifference onable care, or the failure	tion which was IF SO - NO NEG cmittee to prev ce, lack of dil	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of
A. Was exer OR Was a vi	this an inadvertent violations of reasonable care? as this a failure of a perolation due to indifferent onable care, or the failur? IF SO - NEGLIGENCE;	tion which was IF SO - NO NEG rmittee to prev ce, lack of dil re to abate any	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of violation due to the
A. Was exer OR W a vi reas same OR W	this an inadvertent violations of reasonable care? as this a failure of a perolation due to indifferent onable care, or the failur? IF SO - NEGLIGENCE; as this violation the resu	tion which was IF SO - NO NEG rmittee to prev ce, lack of dil re to abate any ult of reckless	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of violation due to the , knowing, or
A. Was exer OR W a vi reas same OR W inte	this an inadvertent violations of reasonable care? as this a failure of a perolation due to indifferent onable care, or the failur? IF SO - NEGLIGENCE;	tion which was IF SO - NO NEG rmittee to prev ce, lack of dil re to abate any ult of reckless	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of violation due to the , knowing, or
A. Was exer OR W a vi reas same OR W inte	this an inadvertent violations of reasonable care? as this a failure of a perolation due to indifferent onable care, or the failur? IF SO - NEGLIGENCE; as this violation the resuntional conduct? IF SO - OIGENCE.	tion which was IF SO - NO NEG mittee to prev ce, lack of dil re to abate any ult of reckless GREATER DEGREE	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of violation due to the of the off FAULT THAN
A. Was exer OR W a vi reas same OR W inte	this an inadvertent violations of reasonable care? as this a failure of a perolation due to indifferent onable care, or the failur? IF SO - NEGLIGENCE; as this violation the resuntional conduct? IF SO - (IGENCE.	tion which was IF SO - NO NEG rmittee to prev ce, lack of dil re to abate any ult of reckless GREATER DEGREE	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of violation due to the , knowing, or OF FAULT THAN
A. Was exer OR W a vi reas same OR W inte	this an inadvertent violations of reasonable care? as this a failure of a perolation due to indifferent onable care, or the failur? IF SO - NEGLIGENCE; as this violation the resuntional conduct? IF SO - (IGENCE. No Negligence Negligence	tion which was IF SO - NO NEG rmittee to prev ce, lack of dil re to abate any ult of reckless GREATER DEGREE 0 1-15	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of violation due to the , knowing, or OF FAULT THAN
A. Was exer OR W a vi reas same OR W inte	this an inadvertent violations of reasonable care? as this a failure of a perolation due to indifferent onable care, or the failur? IF SO - NEGLIGENCE; as this violation the resuntional conduct? IF SO - OIGENCE. No Negligence Negligence Greater Degree of Fault	tion which was IF SO - NO NEG mittee to prev ce, lack of dil re to abate any ult of reckless GREATER DEGREE 0 1-15 16-30	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of violation due to the , knowing, or OF FAULT THAN
A. Was exer OR W a vi reas same OR W inte	this an inadvertent violations of reasonable care? as this a failure of a perolation due to indifferent onable care, or the failur? IF SO - NEGLIGENCE; as this violation the resuntional conduct? IF SO - (IGENCE. No Negligence Negligence	tion which was IF SO - NO NEG cmittee to prev ce, lack of dil re to abate any ult of reckless GREATER DEGREE 0 1-15 16-30 gree of Fault	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of violation due to the , knowing, or OF FAULT THAN MID-POINT 8 23
A. Was exer OR W a vi reas same OR W inte	this an inadvertent violations of reasonable care? as this a failure of a perolation due to indifferent onable care, or the failur? IF SO - NEGLIGENCE; as this violation the resuntional conduct? IF SO - OIGENCE. No Negligence Negligence Greater Degree of Fault	tion which was IF SO - NO NEG cmittee to prev ce, lack of dil re to abate any ult of reckless GREATER DEGREE 0 1-15 16-30 gree of Fault	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of violation due to the , knowing, or OF FAULT THAN
A. Was exer OR W a vi reas same OR W inte NEGL	this an inadvertent violaticise of reasonable care? as this a failure of a perolation due to indifferent onable care, or the failur? IF SO - NEGLIGENCE; as this violation the resuntional conduct? IF SO - (IGENCE. No Negligence Negligence Greater Degree of Fault OF NEGLIGENCE Greater Degree	tion which was IF SO - NO NEG rmittee to prev ce, lack of dil re to abate any ult of reckless GREATER DEGREE 0 1-15 16-30 gree of Fault ASSIGN NEG	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of violation due to the , knowing, or OF FAULT THAN MID-POINT 8 23
A. Was exer OR W a vi reas same OR W inte NEGL	this an inadvertent violationse of reasonable care? as this a failure of a perolation due to indifferent onable care, or the failur? IF SO - NEGLIGENCE; as this violation the resuntional conduct? IF SO - (IGENCE. No Negligence Negligence Greater Degree of Fault OF NEGLIGENCE Greater Degree	tion which was IF SO - NO NEG mittee to prev ce, lack of dil re to abate any ult of reckless GREATER DEGREE 0 1-15 16-30 gree of Fault ASSIGN NEG	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of violation due to the , knowing, or OF FAULT THAN MID-POINT 8 23 GLIGENCE POINTS 21 Itement, the actual or
A. Was exer OR W a vi reas same OR W inte NEGL STATE DEGREE PROVIDE AN EX potential har	this an inadvertent violaticise of reasonable care? as this a failure of a perolation due to indifferent onable care, or the failur? IF SO - NEGLIGENCE; as this violation the resuntional conduct? IF SO - (IGENCE. No Negligence Negligence Greater Degree of Fault OF NEGLIGENCE Greater Degree	tion which was IF SO - NO NEG mittee to prev ce, lack of dil re to abate any ult of reckless GREATER DEGREE 0 1-15 16-30 gree of Fault ASSIGN NEG inspector's sta	unavoidable by the LIGENCE; ent the occurrence of igence, or lack of violation due to the , knowing, or OF FAULT THAN MID-POINT 8 23 LIGENCE POINTS 21 Itement, the actual or and the operator is

a front-end loader.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

	Immediate Compliance -11 to -20* (Immediately following the issuance of the NOV) Rapid Compliance -1 to -10* (Permittee used diligence to abate the violation)	
	Normal Compliance 0 (Operator complied within the abatement period required)	
	*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.	
8.	Did the permittee not have the resource's at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION	
	Difficult Abatement Situation Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation) Normal Compliance -1 to -10* (Operator complied within the abatement period required) Extended Compliance 0 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)	
EASY OR	DIFFICULT ABATEMENT?easy	
Operator	AN EXPLANATION OF POINTS Immediate compliance was required. That repaired the berm by the time the NOV had been issued, ng to the Inspection memo of April 11, 1985.	
v.	ASSESSMENT SUMMARY FOR N85-4-9-1	
II. III.	TOTAL HISTORY POINTS TOTAL SERIOUSNESS POINTS TOTAL NEGLIGENCE POINTS TOTAL GOOD FAITH POINTS 20 27 21 -3	
	TOTAL ASSESSED POINTS 65	
	TOTAL ASSESSED FINE \$1780	
ASSESSME	ENT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright	
ASSESSME	ENT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright X PROPOSED ASSESSMENT FINAL ASSESSMENT	

COMPANY/MINE_Crandall Coal/Cranda	11 Canyon NOV # N85-4-6-1
PERMIT # ACT/015/032	VIOLATION 1 OF 1
I. HISTORY MAX 25 PTS	
A. Are there previous violations which fall within 1 year of ASSESSMENT DATE 9-13-85 EFF	s which are not pending or vacated, today's date? FECTIVE ONE YEAR DATE9-14-84
PREVIOUS VIOLATIONS EFF.DATE PTS N83-2-14-1 4-19-85 1 N84-2-3-1 9-14-84 1 N84-2-4-1 9-14-84 1 N84-2-9-2 3-18-85 2 N84-2-14-1 3-18-85 1 N84-2-17-1 3-18-85 1	PREVIOUS VIOLATIONS EFF.DATE PTS N84-2-16-1 3-18-85 1 C84-2-1-1 3-18-85 5 N84-2-19-1 3-18-85 1 N84-2-21-1 3-18-85 1 C84-2-2-1 3-18-85 5
5 points for each	past violation, up to one year past violation in a CO, up to one year s shall be counted TOTAL HISTORY POINTS
NOTE: For assignment of points in Pa applies. Based on the facts supplied Officer will determine within which c Beginning at the mid-point of the cat up or down, utilizing the inspector's documents.	by the inspector, the Assessment ategory the violation falls. egory, the AO will adjust the points
Is this an Event (A) or Hindrance	(B) violation? Hindrance
A. Event Violations MAX 45 PT	<u>S</u>
<pre>1. What is the event which the prevent?</pre>	violated standard was designed to
What is the probability of t violated standard was design	he occurrence of the event which a ed to prevent?
PROBABILITY None Insignificant Unlikely Likely Occurred	RANGE MID-POINT 0 1-4 2 5-9 7 10-14 12 15-20 17
ASSIGN PR	OBABILITY OF OCCURRENCE POINTS
PROVIDE AN EXPLANATION OF POINTS	

3.	Would or did the c exploration or per	damage or i	mpact remair No	n within the	
	expression of her	mit area:	RANGE	MID-POI	NT
	Within Exp/Permit	Area	0-7*	4	IN E
	Outside Exp/Permit	. Area	8 - 25*	16	
	*In assigning poir	nts. consid	er the durat	tion and exte	nt of
	said damage or imp	pact, in te	erms of area	and impact o	n the
	public or environm	ment.			
			ASSIGN DAM	AGE POINTS	
PROVIDE AN EXI	PLANATION OF POINTS	•			
TOTIOL AIT LA	CUMPLICA OF POTMIS) <u> </u>			
			· · · · · · · · · · · · · · · · · · ·		
B. <u>Hindrance</u>	Violations MAX	25 PTS			
l. Is t	his a potential or	actual him	drance to er	nforcement?	Potential
		F	ANGE	MID-POINT	
	Potential hindrand	`e	1-12	7	
	Actual hindrance		3-25	19	
Assign points	based on the exten	nt to which	enforcement	is hindered	by the
violation.			ASSTON HTND	PANCE POINTS	. A
PROVIDE AN EXP	PLANATION OF POINTS	Per inspe	ctor, not ba	vina Novembe	r 198/
March dugitity	sample and fleid m	1885) ITEMENT	s for weekl	/ and himonth	l v
sambies uas ma	ade it difficult to	determine	the impact	of the minin	<u>=7</u> O
operation on t	the stream.			0. 0.70	2
	TOTA	AL SERIOUSN	ESS POINTS ((A or B)	8
TTT					
III. <u>NEGL</u>	IGENCE MAX 30 PT	<u>S</u>			
A. Was 1	this an inadvertent	violation	which was i	mavoidable b	v the
exer	cise of reasonable	care? IF	SO - NO NEGI	TOFNOF.	y crie
OR Wa	as this a failure o	of a nermit	tee to preve	ent the occur	rence of
a vio	olation due to indi	fference.	lack of dili	nence or la	rk of
reaso	onable care, or the	failure t	n abate any	violation du	e to the
same	? IF SO - NEGLIGENO	E:	u,	1202402011 40	
OR Wa	as this violation t	he result	of reckless.	knowing or	
inter	ntional conduct? IF	SO - GREA	TER DEGREE C	F FAULT THAN	
	IGENCE.				
	No Negligence	0	· N	ID-POINT	
	Negligence		15	8	
	Greater Degree of	Fault 16-	30	23	
STATE DECDEE (DE NICOL TOENIOE O-	.	0 = 11		
STATE DEGREE (JF NEGLIGENCE GT	eater Degr	ee of Fault	70-1001.4	
			ASSIGN NEGL	IGENCE POINT	S <u>18</u>
PROVIDE AN FXF	PLANATION OF POINTS	Three or	evious NOV!s	: have been i	scued for
failure to mor	nitor, verbal remin	ders were	niven and or	perator has v	inlated a
specific permi	it condition.	COLO WOLO	garon and or	CLUCUL HUS V.	TOTALEG A

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A.	compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT
	Easy Abatement Situation
	Immediate Compliance —11 to -20* (Immediately following the issuance of the NOV)
	Rapid Compliance -1 to -10*
	(Permittee used diligence to abate the violation)
	Normal Compliance 0 (Operator complied within the abatement period required)
	*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.
B.	Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION
	Difficult Abatement Situation Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation)
	Normal Compliance -1 to -10* (Operator complied within the abatement period required) Extended Compliance 0
	(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)
EASY OR	DIFFICULT ABATEMENT? ASSIGN GOOD FAITH POINTS O
	AN EXPLANATION OF POINTS An FTA CO has been issued on this NOV.
٧.	ASSESSMENT SUMMARY FOR N85-4-6-1
	TOTAL HISTORY POINTS 20
II.	TOTAL SERIOUSNESS POINTS 8 TOTAL NEGLIGENCE POINTS 18
IV.	TOTAL NEGLIGENCE POINTS 18 TOTAL GOOD FAITH POINTS 0
	TOTAL ASSESSED POINTS 46
	TOTAL ASSESSED FINE \$ 840 / / / / / / / / / / / / / / / / / / /
	101AL ASSESSED FINE \$840
ASSESSME	NT DATE 9-13-85 ASSESSMENT OFFICER Mary/Arm Wright
	X PROPOSED ASSESSMENT FINAL ASSESSMENT
731 30	

COMPANY/MINE Genwal Coal,	/Crandall Canyon NOV # N85-4-7	-2
PERMIT # ACT/015/032	VIOLATION 1 0	2
I. HISTORY MAX 25 PTS		
which fall within l	violations which are not pending of year of today's date? EFFECTIVE ONE YEAR DATE	r vacated,
PREVIOUS VIOLATIONS EFF.DATE N83-2-14-1 4-19-85		.DATE PTS -18-85 1
N84-2-3-1 9-14-84		<u>-18-85</u> <u>1</u> -18-85 5
		-18-85 1
N84-2-9-2 3-18-85	2 N84-2-21-1 3	-18-85 <u>1</u>
N84-2-14-1 3-18-85	1	-18-85 5
N84-2-17-1 3-18-85	1	
	or each past violation, up to one	vear
5 points 1	for each past violation in a CO, u	to one year
	g notices shall be counted	
	TOTAL HISTORY POI	NTS20
II. <u>SERIOUSNESS</u> (either A o	or B)	
Beginning at the mid-point of up or down, utilizing the instancements.	n which category the violation fal f the category, the AO will adjust spector's and operator's statement	the points
	Hindrance (B) violation? Hind	rance
A. Event Violations	MAX 45 PTS	
1. What is the event of prevent?	which the violated standard was de	signed to
 What is the probabilities violated standard was 	lity of the occurrence of the even as designed to prevent?	t which a
PROBABILITY None	RANGE MID-POINT	
Insignificant	1-4 2	
Unlikely	5-9 7	
Likely	10–14 12	
Occurred	15-20 17	
	ASSIGN PROBABILITY OF OCCURRENCE P	OINTS
PROVIDE AN EXPLANATION OF PO	INTS	

3.	Would or did the ceptoration or per	damage or rmit area?	impact rema. 'No	in within the	
			RANGE	MID-POI	NT
	Within Exp/Permit		0-7*	4	
	Qutside Exp/Permit		8-25*	16	-
	In assigning poir said damage or imp	pact, in t	der the dur erms of are	ation and exte a and impact o	nt of n the
	public or environm	ment.		· · · · · · · · · · · · · · · · · · ·	
			ASSIGN DA	MAGE POINTS	· · · · · · · · · · · · · · · · · · ·
PROVIDE AN EXP	PLANATION OF POINTS	S			
			·	· 	
B. <u>Hindrance</u>	Violations MAX	25 PTS			
1. Is the	his a potential or	actual hi	ndrance to	enforcement?	Actual
			RANGE	MID-POINT	
	Potential hindrand		1-12	7	
	Actual hindrance		13-25	19	
Assign points violation.	based on the exten	nt to whic			
·	DI ANATTONI DE DOTNITA	. D	ASSIGN HI	NDRANCE POINTS	. 15
required arous	PLANATION OF POINTS ndwater information	Per insp	ector's sta	tement, withou	t the
impact that m	ining has on the gr	oundwater	in the are	ante co defeuil	the the
not hindering	a full assessment	of impact	on the env	ironment.	OWIT TOI
	TOTA	AL SERIOUS	NESS POINTS	(A or B)	15
ing to produce the	IGENCE MAX 30 PT				
A. Was t	this an inadvertent cise of reasonable	care? IF	n which was	unavoidable b	y the
OR Wa	as this a failure o	of a permi	ttee to pre	vent the occur	rence of
a vio	olation due to indi	ifference.	lack of di	lidence. or la	ck of
reaso	onable care, or the	e failure	to abate an	y violation du	e to the
same'	? IF SO — NEGLIGENC	Έ;			
OR Wa	as this violation t	the result	of reckles	s, knowing, or	
inter NEGL	ntional conduct? IF IGENCE.	SO - GRE	ATER DEGREE	OF FAULT THAN	
	No Negligence		0	MTD DOTNT	
	Negligence		. - 15	MID-POINT 8	
	Greater Degree of		-30	23	
	aroutor bogree of	. dolt le	,–50	2)	
STATE DEGREE (OF NEGLIGENCE C	Greater De	gree of Fau	lt	
				GLIGENCE POINT	S 16
- DDOLLTDE					
	PLANATION OF POINTS		10V represen	<u>ts a violation</u>	of a
specific perm	it condition as wel	<u>ll as a la</u>	ck of respo	nse to an 8-17	-84
initial annia	he Division for fur	rther info	rmation. A	ssessed down s	ince
THITTAL SPITIO	g and seep data was	s submitte	o in a July	o, 1984 repor	τ

IV.	GOOD FA	ITH	MAX	- 20	PTS.	(either	A or	<u>B)</u>

7.	compliance of the violated standard within the permit area? IF SO —EASY ABATEMENT
	Easy Abatement Situation Immediate Compliance -11 to -20* (Immediately following the issuance of the NOV)
	Rapid Compliance -1 to -10*
	(Permittee used diligence to abate the violation)
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В.	Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO — DIFFICULT ABATEMENT SITUATION
	Difficult Abatement Situation
	Rapid Compliance —11 to -20*
	(Permittee used diligence to abate the violation) Normal Compliance —1 to -10*
	(Operator complied within the abatement period required)
	Extended Compliance 0 (Permittee took minimal actions for abatement to stay within
	the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)
EASY OR	DIFFICULT ABATEMENT? difficult ASSIGN GOOD FAITH POINTS 0
PROVIDE weeks wa	AN EXPLANATION OF POINTS Original abatement of approximately two sextended to the 90 day maximum abatement occurred on the 90th day.
٧.	ASSESSMENT SUMMARY FOR N85-4-7-2, #1
	TOTAL HISTORY POINTS 20
	TOTAL SERIOUSNESS POINTS 15
	TOTAL NEGLIGENCE POINTS 16 TOTAL GOOD FAITH POINTS 0
	TOTAL ASSESSED POINTS 51
	TOTAL ASSESSED FINE \$ 1040,
	Thank In Swin II
ASSESSME	NT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright
	X PROPOSED ASSESSMENT FINAL ASSESSMENT
77170	

COMPANY/MINE Ger	nwall Coal Co/Cra	ndall Canyon	NOV # N8	35-4-7-2	
PERMIT # ACT/O	15/032	VIOL	ATION 2	0F 2	
I. <u>HISTORY</u>	MAX 25 PTS				
which fall	previous violatio within 1 year of 9-13-85	today's date	e?		d,
N84-2-14-1 N84-2-17-1 II. SERIOUSNESS (NOTE: For assignment applies. Based on the seginning at the michap or down, utilizing the seginning at the seginning a	4-19-85 1 9-14-84 1 9-14-84 1 3-18-85 2 3-18-85 1 1 point for each 5 points for each No pending notice either A or B) nt of points in P the facts supplie ine within which d-point of the ca	h past violar es shall be o TOTA arts II and o d by the inspected or the tenory.	ion, up to conted AL HISTORY F	3-18-85 3-18-85 3-18-85 3-18-85 3-18-85 0, up to one year 0, up to one year 10 Assessment falls. 11 State of the point of	20
documents. Is this an Even	t (A) or Hindranc	e (B) violat	ion? <u>Even</u>	t	
A. Event Viola	tions MAX 45 P	<u>TS</u>			
prevent? _1 2. What is the	he event which the Environmental Har e probability of tandard was desig	m/Water Pollothe occurrent	<u>ution</u> ce of the e		
PROBAI None	BILITY nificant ely y red	RANGE 0 1-4 5-9 10-14 15-20 PROBABILITY 0	MID-POINT 2 7 12 17	T DOINTS	13
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			_ 1 021110	

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, heavily sediment-laden runoff was leaving the Class I & II roads at the mine and likely entering the fishery. Lack of proper construction and maintenance caused this situation to occur.

Creek a the insp strawbal	3. Would or did the damage or impact remain within the exploration or permit area? No RANGE MID-POINT Within Exp/Permit Area 0-7* 4 Outside Exp/Permit Area 8-25* 16 *In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment. ASSIGN DAMAGE POINTS 17 AN EXPLANATION OF POINTS Runoff left the road and entered Crandall fishery. The road and creek damage was widespread as detailed in ector report. Mud flowed down the road, into a culvert, over topped es and into the creek. This condition persisted for a time since 0 was issued.
B. Hind	rance Violations MAX 25 PTS
	1. Is this a potential or actual hindrance to enforcement?
	RANGE MID-POINT
violatio	Potential hindrance 1-12 7 Actual hindrance 13-25 19 oints based on the extent to which enforcement is hindered by the ASSIGN HINDRANCE POINTS AN EXPLANATION OF POINTS
III.	TOTAL SERIOUSNESS POINTS (A or B) 30 NEGLIGENCE MAX 30 PTS
A.	Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE; OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE; OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.
	No Negligence 0 MID-POINT Negligence 1-15 8 Greater Degree of Fault 16-30 23
STATE DE	GREE OF NEGLIGENCE Negligence ASSIGN NEGLIGENCE POINTS 12
	AN EXPLANATION OF POINTS Assessed as lack of reasonable care in structing and/or maintaining the road to proper specifications.

IV.	GOOD FAITH	MAX	-20 PTS.	(either	Α	or B)

A.	Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT
	Easy Abatement Situation
	Immediate Compliance -11 to -20*
	(Immediately following the issuance of the NOV)
	Rapid Compliance -1 to -10*
	(Permittee used diligence to abate the violation) Normal Compliance
	(Operator complied within the abatement period required)
	*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.
В.	Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION
	Difficult Abatement Situation
	Rapid Compliance _11 to _20*
	(Permittee used diligence to abate the violation)
	NOTINAL COMPLIANCE -1 to -10.
	(Operator complied within the abatement period required) Extended Compliance
	(Permittee took minimal actions for abatement to stay within
	the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)
EASY OR	DIFFICULT ABATEMENT? ASSIGN GOOD FAITH POINTS
PROVIDE failure	AN EXPLANATION OF POINTS Per inspector, a CO was issued for to abate this NOV. Good faith points are not applicable.
٧.	ASSESSMENT SUMMARY FOR N85-4-7-2 #2
I.	TOTAL HISTORY POINTS 20
II.	TOTAL SERIOUSNESS POINTS 30
IV.	TOTAL NEGLIGENCE POINTS 12 TOTAL GOOD FAITH POINTS 0
	TOTAL GOOD FAITH POINTS
	TOTAL ASSESSED POINTS 62
	TOTAL ASSESSED FINE \$1540
	Man In Aught
	/\
ASSESSME!	NT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright
ASSESSME1 -	NT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright X PROPOSED ASSESSMENT FINAL ASSESSMENT

PERMIT # ACT/015/032 VIOLATION 1 OF 3
I. HISTORY MAX 25 PTS
A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date? ASSESSMENT DATE 9-13-85 EFFECTIVE ONE YEAR DATE 9-14-84
PREVIOUS VIOLATIONS EFF.DATE PTS PREVIOUS VIOLATIONS EFF.DATE PTS N83-2-14-1
NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.
Is this an Event (A) or Hindrance (B) violation?Event
Is this an Event (A) or Hindrance (B) violation? <u>Event</u> A. <u>Event Violations</u> MAX 45 PTS
A. Event Violations MAX 45 PTS 1. What is the event which the violated standard was designed to
A. Event Violations MAX 45 PTS 1. What is the event which the violated standard was designed to prevent? Water Pollution 2. What is the probability of the occurrence of the event which a
A. Event Violations MAX 45 PTS 1. What is the event which the violated standard was designed to prevent? Water Pollution 2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? PROBABILITY RANGE MID-POINT None 0 Insignificant 1-4 2 Unlikely 5-9 7 Likely 10-14 12

3.	exploration or permit area? No RANGE MID-POINT
	Within Exp/Permit Area 0-7* 4 Qutside Exp/Permit Area 8-25* 16
	Outside Exp/Permit Area 8-25* 16
	*In assigning points, consider the duration and extent of
	said damage or impact, in terms of area and impact on the
	public or environment.
	ASSIGN DAMAGE POINTS18
PROVIDE AN	EXPLANATION OF POINTS The existing drainage situation has been
in effect f	or 2 years. Disturbed area drainage would have entered Crandall
Creek, a fi	sherv.
B. <u>Hindran</u>	ce Violations MAX 25 PTS
1.	Is this a potential or actual hindrance to enforcement?
	RANGE MID-POINT
	TOTAL CITY
	Potential hindrance 1-12 7
	Actual hindrance 13-25 19
Assign poin	ts based on the extent to which enforcement is hindered by the
violation.	ASSIGN HINDRANCE POINTS
PROVIDE AN	EXPLANATION OF POINTS
	TOTAL CERTOLICHECC POINTS (A D) CO
	TOTAL SERIOUSNESS POINTS (A or B)29
III. NE	GLIGENCE MAX 30 PTS
A. Wa	s this an inadvertent violation which was unavoidable by the
ex	ercise of reasonable care? IF SO - NO NEGLIGENCE;
OR	Was this a failure of a permittee to prevent the occurrence of
а	violation due to indifference, lack of diligence, or lack of
re	asonable care, or the failure to abate any violation due to the
sa	me? IF SO - NEGLIGENCE;
OR	Was this violation the result of reckless, knowing, or
in	tentional conduct? IF SO - GREATER DEGREE OF FAULT THAN
	GLIGENCE.
	No Negligence O MID-POINT
	Negligence 1-15 8
	Greater Degree of Fault 16-30 23
CTATE DECDE	T OF MEN TOTALOT AL 3.
STATE DEGRE	E OF NEGLIGENCE Negligence
	ASSIGN NEGLIGENCE POINTS 14
PROVIDE AN	EXPLANATION OF POINTS The operator has failed to construct
	introls properly.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

Α.	Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO —EASY ABATEMENT
	Easy Abatement Situation
	Immediate Compliance -11 to -20*
	(Immediately following the issuance of the NOV) Rapid Compliance —1 to —10*
	(Permittee used diligence to abate the violation)
	Normal Compliance 0 (Operator complied within the abatement period required)
	*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.
B.	Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION
	Difficult Abatement Situation
	Rapid Compliance -11 to -20*
	(Permittee used diligence to abate the violation)
	Normal Compliance -1 to -10*
	(Operator complied within the abatement period required) Extended Compliance 0
	(Permittee took minimal actions for abatement to stay within
	the limits of the NOV or the violated standard, or the plan
	submitted for abatement was incomplete)
EASY OR (DIFFICULT ABATEMENT? easy ASSIGN GOOD FAITH POINTS7
PROVIDE A	AN EXPLANATION OF POINTS Per inspector, one of two parts of the
MOA METE	abated prior to receipt of the NOV. The other part deserves no
good fair	th points, per inspection recommendation.
٧.	ASSESSMENT SUMMARY FOR N85-4-12-3 #1
I.	TOTAL HISTORY POINTS 20
	TOTAL SERIOUSNESS POINTS 29
	TOTAL NEGLIGENCE POINTS 14
IV.	TOTAL GOOD FAITH POINTS
	TOTAL ASSESSED POINTS 56
	TOTAL ASSESSED FINE \$ 1220 , \(\sqrt{1} \)
	Man hi Shright
ASSESSMEN	NT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright
	X PROPOSED ASSESSMENTFINAL ASSESSMENT
77170	

C	OMPANY	/MIN	E Gen	wal/Cra	ındall Ca	nyon	NOV #	N85-4	-12-3	
Pl	ERMIT	#A	CT/015	/032			/IOLATION	2	OF3	
I.	HI	STOR	Y MA	X 25 PT	<u>s</u>					
Α	. Ar	e th	ere pro	evious	violatio	ns which	are not p	ending	or vacat	ed,
A:	wn SSESSM	ENT I	DATE _	1thin 1 9-13-85	year of E	today's FFECTIVE	date? ONE YEAR	DATE _	9-14-8	4
		OLAT			E PTS		JS VIOLATI	ONS E	FF.DATE	PTS
	-14-1			<u>-19-85</u>		N84-2-1		<u> </u>	3-18-85	1_
	-3-1		<u>9</u> .	-14-84	1	C84-2-1	-1,		3-18-85	5
	-4-1		<u>9</u> .	-14-84	1	N84-2-1	9-1		3-18-85	
	-9-2		<u> 3</u> .	-18-85	2	N84-2-2	21-1		3-18-85	
	-14-1				重	C84-2-2	2-1		3- 18-85	5
N84-2	-17-1			-18-85						
							olation, u			
) N	points	for eac	h past vi	olation i	n a CC	, up to o	ne year
			N	o penai	ng notic	es shall	be counte			
TT CI	EDTOLIC	MECC	(0)	than 0			TOTAL HIS	IURY F	OTNIS	20
<u> </u>	LI/T002	INLOO	(61	ther A	OL B)					
Office Begin up or docum	er wil ning a down, ents.	l de t th uti	termine e mid-p lizing	e withi point c the ir	n which of the ca spector'	category tegory. t	inspector the viola the AO will erator's s plation?	tion f l adju tateme	alls. st the po	ints
Α	• Eve	nt V	iolati	ons	MAX 45 P	TS				
1		hat even	is the t? <u>Lo</u>	event ss of r	which th	e violate n/reveget	ed standar ation pot	d was ential	designed	to
2	. Wh	at i olat	s the ped star	probabi ndard w	lity of was desig	the occur ned to pr	rrence of revent?	the ev	vent which	a
			ROBABII	LITY		RANGE	MID-P	OINT		
			one	e:		0	_			
			nsigni -likal			1-4	2			
			nlikely	y `		5-9	7			
			ikely			10-14	12			
		U	ccurre	a	0007011 -	15-20	17			_
					ASSIGN P	KORABILI	ry of occu	KKENCE	- POINTS _	2
ידעחםם	D.C. 641			או חר חמ		_				

PROVIDE AN EXPLANATION OF POINTS <u>Some erosion of the upper topsoil stock-pile has occurred as a result of inadequate protection measures. At the same time some soil has been deposited onto the stockpile from improper drainage controls. The probability of the event occurring is assessed as insignificant.</u>

	3.	Would or did th exploration or	e damage o	or impact	remain	within the	; !
				RANG	Œ	MID-PC	INT
		Within Exp/Perm	it Area	0-7	7 *	4	
		Qutside Exp/Per	mit Area	8-2	×5*	16	
		*In assigning p	oints, co	nsider the	duratio	on and ext	ent of
		said damage or public or envir	impact. 1	n terms of	'area ar	nd impact	on the
						POINTS _	
PROVIDE A	AN EXP	PLANATION OF POI	NTS Loss	of topsoi	1 was sm	mall, per	inspector'
B. Hinds	rance	en though this s Violations M	ituation I	nad persis	ted for	some time	•
1121102	ance	VIOLACIONS M	AX 25 PIS				
1.	Is th	nis a potential	or actual	hindrance	to enfo	orcement?_	· · · · · · · · · · · · · · · · · · ·
				RANGE '	* * *	/ID-POINT	
		Potential hindr	ance	1-12		. 7	
		Actual hindrance	е	13-25		19	
Assign po	oints	based on the ex	tent to wh	nich enfor	cement i	ls hindere	d by the
ATOTACTOL	1.			ASSIG	N HINDRA	ANCE POINT	s
LUOATOE P	IN EXF	PLANATION OF POI	NTS	·		- · · · · · · · · · · · · · · · · · · ·	
						· · · · · · · · · · · · · · · · · · ·	
		T	OTAL SERIO	OUSNESS PO	INTS (A	or B)	4
III.	NEGL1	GENCE MAX 30	PTS				
	OR Wa a vic reasc same? OR Wa inter	chis an inadverta- cise of reasonables this a failure plation due to in- chable care, or in lif SO - NEGLIGH is this violation citional conduct?	le care? of a per ndifference the failur ENCE; on the resu	IF SO - Nomittee to be, lack of te to abat	O NEGLIG prevent f dilige e any vi	ENCE; the occur nce, or la olation d	rrence of ack of ue to the
		No Negligence Negligence Greater Degree (of Fault	0 1-15 16-30)—POINT 8 23	
STATE DEG	REE O	F NEGLIGENCE G	reater Deg	ree of Fa	ult		
				ASSIG	N NEGLIG	ENCE POIN	TS 18
	N EVD	I ANIATTON OF DOTA	ITC T				
NOV's in	the y	LANATION OF POINTER FOR 1	inadequate	perator h	ad recei	ved two prince same sto	revious ocknile

			Page 3 of 3
IV.	G00D	FAITH MAX -20 PTS. (either A or B)	
	A.	Did the operator have onsite the resources necessary compliance of the violated standard within the permit—EASY ABATEMENT Easy Abatement Situation Immediate Compliance —11 to -20* (Immediately following the issuance of the NOV) Rapid Compliance —1 to -10* (Permittee used diligence to abate the violation Normal Compliance 0 (Operator complied within the abatement period:	t area? IF SO
		*Assign in upper or lower half of range depending on occurring in 1st or 2nd half of abatement period.	abatement
	В.	Did the permittee not have the resources at hand to compliance OR does the situation require the submiss prior to physical activity to achieve compliance? IF DIFFICULT ABATEMENT SITUATION	ion of plans
		Difficult Abatement Situation Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation Normal Compliance -1 to -10* (Operator complied within the abatement period Extended Compliance 0 (Permittee took minimal actions for abatement to the limits of the NOV or the violated standard, submitted for abatement was incomplete)	required) o stay within
EAS	YORI	DIFFICULT ABATEMENT? <u>easy</u> ASSIGN GOOD FAIT	H POINTS5
undo cor:	some ersta recti	AN EXPLANATION OF POINTS Per inspector's statement, t immediate work to abate the NOV. Apparently, the opend what was needed since the work turned out to be in the problem. Good Faith awarded for an attempt to as written.	erator did not sufficient in
٧.		ASSESSMENT SUMMARY FOR N85-4-12-3, #2	
	II.	TOTAL HISTORY POINTS TOTAL SERIOUSNESS POINTS TOTAL NEGLIGENCE POINTS TOTAL GOOD FAITH POINTS 20 4 18 -5	
		TOTAL ASSESSED POINTS 37 TOTAL ASSESSED FINE \$ 540 ₁₀	

ASSESSMENT DATE 9-13-85 ASSESSMENT OFFICER Mary And Wright

FINAL ASSESSMENT

PROPOSED ASSESSMENT

COMPANY/MINE_G	enwal/Crandall C	anyon	NOV # N85	5-4-12-3	
PERMIT #_ ACT/	015/032	VIOL	ATION 3	OF 3	·
I. <u>HISTORY</u>	MAX 25 PTS				
which fal	e previous violat l within l year E9-13-85	of today's dat	te?		
PREVIOUS VIOLATION			/IOLATIONS	EFF.DATE	PTS
N83-2-14-1	4-19-85 1	N84-2-16-1	L	3-18-85	1
N84-2-3-1	9-14-84	C84-2-1-1		3–18–85	
N84-2-4-1	9-14-84 1			3-18-85	
N84-2-9-2 N84-2-14-1	3-18-85 2			3-18-85	
N84-2-17-1	3-18-85 1 3-18-85 1	C84-2-2-1		3-18-85	5
	1 point for ea	ch nast violat	tion un to	One veer	
	5 points for e	ech past viola	etion in a	CO. un to c	ne veat
	No pending not			00, up to t	one year
			TAL HISTORY	POINTS	20
II. SERIOUSNESS	(either A or B)				
Beginning at the mup or down, utilized documents. Is this an Even	nid-point of the zing the inspecto ent (A) or Hindra	or's and opera	tor's state	ements as gu	oints uiding _
A. Event Viol	lations MAX 45	5 PTS			
	the event which Environmental			as designed	to
2. What is to violated	the probability o standard was des	of the occurre signed to prev	nce of the ent?	event which	n a
PROB None	BABILITY e	RANGE O	MID-POIN	Т	
	ignificant	1-4	2		
Unl:	ikely	5-9	7		
Like		10-14	12		
Occi	urred ASSIGN	15-20 N PROBABILITY	17 OF OCCURRE	NCE POINTS _	16
PROVIDE AN EXPLANA	ATION OF POINTS F	Per inspector	s statemen	t, greater	than

1,000 square feet has been contaminated by the spill of oil and gas. Environmental harm to the soil is considered to have occurred. Water

surface water.

pollution would occur with the leaching of oil and gas into the ground and

	3.	Would or did exploration	the damage	or impact	remain w	ithin the	
		exhtotactou	or bermit a	rear N RAN		MID-POINT	
		Within Exp/P		0-	7*	4	
*		Outside Exp/	Permit Area	8-	25*	16	
Or i	assigr	in terms of	consider th	e duration	and exte	nt of said da	mage
	iiipact,	, In cerms of	area anu 1	mpact on t ASSI	ne public GN DAMAGE	or environme POINTS 19	
PROVIDE	AN EXF	PLANATION OF	POINTS <u>Per</u>	inspector	's statem	ent, the deli	berate
of this	OT US	sed oil in th	e soil has	occurred f	or two ye	ars. The loc	ation
square f	eet of	soil is aff	ected.	to Cranda	II Creek.	Greater tha	ח ב,טנ
B. Hind	rance	Violations	MAX 25 PT	S			
	1.	Is this a po	tential or	actual hin	drance to	enforcement?	
				RANGE	M	ID-POINT	
		Potential hi	ndrance	1-12		7	
		Actual hindr	ance	13-25		19	
Assign p	oints	based on the	extent to	which enfo	rcement i	s hindered by	the
		PLANATION OF (POTNTS	ASSI	GN HINDRA	NCE POINTS	
-							
			TOTAL SER	IOUSNESS P	OINTS (A	or B) 35	
III.	NEGL1	GENCE MAX	30 PTS				
Α.	Was t	chis an inadv	ertent viol	ation whic	h was una	voidable by t	he
	exerc	ise of reaso	nable care?	IF SO -	NO NEGLIG	ENCE;	
	UK Wa	as this a fai	lure of a p	ermittee t	o prevent	the occurren	ce of
	reaso	nable care	O INGITTERE	nce, lack	or dilige to any vi	nce, or lack olation due t	ot o the
	same	IF SO - NEG	LIGENCE:	are to aba	te ally VI	oracion due c	o the
	OR Wa	as this viola	tion the re	sult of re	ckless, k	nowing, or	
	inter	ntional condu	ct? IF SO -	GREATER D	EGREE OF	FAULT THAN	
	NEGLI	IGENCE.					
		No Negligenc	6	0	MTD	-POINT	
		Negligence	C	1-15		8 	
		Greater Degr	ee of Fault			3	
STATE DE	GREE C	F NEGLIGENCE	Greate	r Degree o	f Fault		
						ENCE POINTS _	25
PROVIDE	AN EXF	PLANATION OF	POINTS Rec	kless oil	drainane	onto soil has	
occurred	. Als	so, prior NOV	's of nonco	al waste s	torage ha	ve been issue	d.
The oil	and da	e storage ar	es was not	located as	aardina b		

IV. GOOD FAITH MAX -20 PTS. (either A or B)

A.	Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO —EASY ABATEMENT
	Easy Abatement Situation
	Immediate Compliance -11 to -20* (Immediately following the issuance of the NOV)
	Rapid Compliance —1 to -10*
	(Permittee used diligence to abate the violation)
	Normal Compliance 0
	(Operator complied within the abatement period required)
	*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.
B.	Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION
	Difficult Abatement Situation Rapid Compliance -11 to -20*
	(Permittee used diligence to abate the violation)
	Normal Compliance -1 to -10*
	(Operator complied within the abatement period required) Extended Compliance 0
*	(Permittee took minimal actions for abatement to stay within
	the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)
EASY OR (DIFFICULT ABATEMENT? ASSIGN GOOD FAITH POINTS
PROVIDE /	AN EXPLANATION OF POINTS A failure to abate CO was issued on this good faith points are available.
v.	ASSESSMENT SUMMARY FOR N85-4-12-3, #3
	TOTAL HISTORY POINTS 20
II.	TOTAL SERIOUSNESS POINTS TOTAL NEGLIGENCE POINTS 25
IV.	TOTAL GOOD FAITH POINTS 25
	TOTAL ASSESSED POINTS 80
	TOTAL ASSESSED FINE \$ 4480 /
	Manly mall
ASSESSMEN	NT DATE 9-13-85 ASSESSMENT OFFICER Mary Ann Wright
_	X PROPOSED ASSESSMENTFINAL ASSESSMENT
77170	